K

1950.

File No. O. Public Conveyance/50

Legal Deptt.

A **BRANCH**

Subject:— Opinions under the Bombay Public Conveyance Act 1920

O. Public Conveyance

File No.

Gen. 194 e.

287-A

C O N T E N T S.

Legal Department File No. J. Public Conveyance/50

Sr.No.	R.../O.No.	Subject	Pages
		Opinions under the Bombay Public Conveyances Act, 1920	
1.	O.No. 3529 14-3-50	Sec. 36(1)(2) Question whether it is necessary to issue a fresh notification under Sec. 36(2)(a) of the Act and authorising the Distt. S. of Police No Kolaba to perform duties of the Commr. of Police for the Comm. C.D. on the transfer of Kolaba Distt. from C.Division to C.Division.	1-2
2-	O.No. 15057 30-10-50	Re:Amendment of the Act in order to enable the Police to check plying of unauthorised cycle Rickshows for fire and to punish a hirer of such a Rickshaw.	3-6
3.	O.No. 16246	Re:Issue of the notification under Sec. 36 by comms. of the Divisions inviting objections or suggestions if any, on the draft embodied therein extending the provisions of the Act to the places mentioned therein. Effect on such notification After abolition of the posts of commissioners of Divisions.	7-8

S.A.K.
29-6
5 copies

30/6

Office of the R.L.A.

The Bombay Public Conveyance Act, 1920. Sect. 36(1)(2).

The view taken by the Commissioner, C.D. is correct. The notifications issued by the Commissioner S.D. under sub-sections (1)and (2) of section 36 of the Bombay Public Conveyances Act, 1920 while the Kolaba district was in the Southern Division, would continue to be operative even after that district was removed from the Southern Division and included in the Central Division. The powers of granting approval under section 36(4) can now be exercised by the Commissioner, C.D.

O.C. Sd/-P.M.Lad
13-3

Remembrancer of Legal Affairs.

L.R. to H.D.No. 3529, dated the 14th March 1950.

S.A.K.
28-6
4copies

R.I.No. 16527 dt. 6-6-50

Submitted.

D.S.P. Ahmedabad States that efforts on the part of the Poli c to check plying of cycle rickshaws for hire are without the desired effect and therefore the Bom. Public Conveyance Act, 1920 should be amended to punish a hirer of a cycle-rikshaw. H.D. states that unauthorised plying of for hire of cycle-rikshaws is punishable under sect. 22 and a person who hires such a rikshaw can be considered as abetting in the offence of plying the vehicle unauthorisedly. The R.L.A. is requested to advise whether this view is correct and if so whether such person is liable for punishment under sect. 109 I.P.C. or any other provision of law.

S.A.K.
28-6
4 copies

Office of the R.L.A.

Section 36 of the Bombay Public Conveyances Act. 1920, vests concurrent powers in the Provincial Government and the Commissioner of a Division to issue a notification in the official gazette extending this Act or any of specified provisions thereof to any area within its or his nuriadiction from a date to be stated in such notification. This provision does not require that a draft notification should be first published before any final notification is published extending the provisions of the Act to the area. Since the posts of Commissioners of Divisions have been abolished and the issue of a draft notification is not a condition precedant, the draft notification ~~is not a condition pre-~~ issued by the Commissioner in the presnt case, ~~cas~~, can be finalised by Government. Further, the draft notification can also be deemed to have been issued now by Government (see section 8 of Bombay Commissioners Abolition of Office Act, 1950.)

Sd/- I.M.Lad
18-11

O.C. Remembrancer of Legal Affairs.

U.R. to H.D.No. 16246, dated the 20th November 1950.

S.A.K.
28-6
4 copies